

ENTERED

August 19, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

AYOBAMI OMONIYI,

Defendant.

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CRIMINAL NO. 4:24-CR-305

REPORT AND RECOMMENDATION

The United States Magistrate Judge submits this Report and Recommendation to the District Judge pursuant to 28 U.S.C. § 636(b). This case has been referred to the United States Magistrate Judge to accept a felony guilty plea and conduct allocution pursuant to Federal Rule of Criminal Procedure 11. All parties waived the right to plead guilty before a United States District Judge and consented in writing to proceed before a United States Magistrate Judge.

On August 19, 2024, Defendant Ayobami Omoniyi (“Defendant”), and counsel appeared in open court before the undersigned magistrate judge for the purpose of entering a guilty plea, with a plea agreement, to Count One of a Criminal Information. Defendant is charged in Count One with Conspiracy to Commit Wire Fraud in violation of Title 18 U.S.C. § 371.


After conducting the proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

1. Defendant, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by United States District Judge Andrew S. Hanen.
2. Defendant understands his right to be indicted by a Grand Jury, and, after consultation with counsel of record, knowingly and voluntarily agrees to waive that right and proceed as charged by the Criminal Information.
3. Defendant is fully competent and capable of entering an informed plea.
4. Defendant is aware of the nature of the charge, the maximum and minimum punishment range and other penalties that may be imposed at sentencing.
5. Defendant understands his constitutional and statutory rights and wishes to waive those rights.
6. Defendant understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
7. Defendant's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count One of the Criminal Information.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Defendant as to Count One of the Criminal Information be accepted by the court and that Defendant be adjudged guilty of the offense alleged in Count One of the Criminal Information.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to General Order 2002-13. Failure to file written objections within the time mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

SIGNED in Houston, Texas, this 19th day of August 2024.



Richard W. Bennett
United States Magistrate Judge